

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

---

MT. HAWLEY INSURANCE COMPANY,

Plaintiff,

Civ. Action No.: 1:23-cv-01386-JPC

v.

PERSAUD USA PROPERTY HOLDINGS LLC,

Defendant.

---

**NOTICE OF MT. HAWLEY INSURANCE COMPANY'S  
MOTION FOR JUDGMENT ON THE PLEADINGS**

PLEASE TAKE NOTICE that pursuant to Federal Rule of Civil Procedure 12(c), plaintiff Mt. Hawley Insurance Company ("Mt. Hawley"), by and through its attorneys, Delahunt Law PLLC, shall move this Court, at the United States District Court for the Southern District of New York, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, before the Honorable John P. Cronan, U.S.D.J., at a hearing at such date and time as the Court directs, for an order granting judgment: (1) declaring that Mt. Hawley has no duty to defend or indemnify defendant Persaud USA Property Holdings LLC in connection with the action captioned Aaron J. Moss v. Persaud USA Property Holdings, Inc., Florida County Court, 17th Judicial Circuit, Broward County, Case No. COCE-22-0060976, and the June 6, 2020 shooting alleged therein; and (2) granting such other and further relief in Mt. Hawley's favor as the Court finds just and appropriate.

In support of its motion, Mt. Hawley submits herewith the Memorandum of Law in Support of Mt. Hawley Insurance Company's Motion for Judgment on the Pleadings

Dated: November 22, 2023

Respectfully submitted,

DELAHUNT LAW PLLC

By: \_\_\_\_\_ /s/  
Timothy E. Delahunt  
Bar Roll No. TD-2791  
[tdelahunt@delahuntpllc.com](mailto:tdelahunt@delahuntpllc.com)

295 Main Street  
Suite 836  
Buffalo, New York 14203  
Tel.: (716) 878-9178

*Attorneys for plaintiff  
Mt. Hawley Insurance Company*